



PATENT
Customer No. 22,852
Attorney Docket No. 02481.1744-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Laszlo VERTESY et al.) Group Art Unit: 1626
)
Serial No.: 09/886,044) Examiner: LAMBKIN, Deborah C.
)
Filed: June 22, 2001)
)
For: CYCLIPOSTINS, PROCESS FOR)
THEIR PREPARATION AND USE)
THEREOF)

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated September 24, 2002, the Examiner required
restriction under 35 U.S.C. § 121 between:

- Group I - Claims drawn to compounds wherein E is P and X2 and X3 is C containing, classified in class/subclass numerous depending on the elected species.
- Group II - Claims drawn to compounds wherein E is P and X2 or X3 is O containing, classified in class/subclass numerous depending on the elected species.
- Group III - Claims drawn to compounds wherein E is P and X2 or X3 is S containing, classified in class/subclass numerous depending on the elected species.
- Group IV - Claims drawn to compounds wherein E is P and X2 or X3 is N containing, classified in class/subclass numerous depending on the elected species.

- Group V - Claims drawn to compounds wherein E is S and X2 or X3 is C containing, classified in class/subclass numerous depending on the elected species.
- Group VI - Claims drawn to compounds wherein E is S and X2 or X3 is O containing, classified in class/subclass numerous depending on the elected species.
- Group VII - Claims drawn to compounds wherein E is S and X2 or X3 is S containing, classified in class/subclass numerous depending on the elected species.
- Group VIII - Claims drawn to compounds wherein E is S and X2 or X3 is N containing, classified in class/subclass numerous depending on the elected species.

The restriction requirement is respectfully traversed. However, to be fully responsive to the restriction requirement, Applicants elect, with traverse, the subject matter of Group II, claims drawn to compounds wherein E is P and X2 or X3 is O containing.

Applicants refer the Examiner to M.P.E.P. § 803, which sets forth the criteria and guidelines for Examiners to follow in making proper requirements for restriction. The M.P.E.P. instructs the Examiner as follows:

If the search and examination of an entire application can be made without **serious burden**, the Office **must** examine it on the merits, even though it includes claims to distinct or independent inventions.

M.P.E.P. § 803 (emphasis added).

Here, the Examiner has not shown that examining these groups together would constitute a serious burden, or any burden at all. In fact, the Examiner merely states that each group is classified in class/subclass numerous, and provides no evidence that a search of these groups of claims will substantially, if not completely,

overlap. Thus, for at least this reason, Applicants respectfully submit that the restriction requirement is in error and request that the requirement be withdrawn.

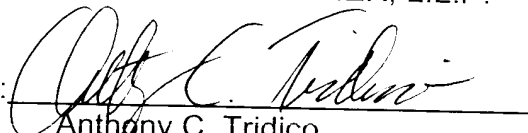
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 23, 2002

By:


Anthony C. Tridico
Reg. No. 45,958